



**Land for Maine's Future Program  
Minutes of the Meeting  
July 27, 2021  
Teams Meeting**

**Board Members Present:** Commissioner Patrick Keliher (Chairman), Commissioner Amanda Beal, Commissioner Judy Camuso, Roger Berle, Don Kleiner, Robert Meyers, James Norris, Catherine Robbins-Halsted, and Barbara Trafton

**Staff Members Present:** Sarah Demers, Jason Bulay, Laura Graham, and Tammara Roberts

**Others:**

Stephen Dickson, BRILUP  
Liz Petruska, BPL  
Bethany Atkins, IFW  
Nancy McBrady, BAFR  
Jeff Romano, MCHT  
David Rodrigues, BPL  
Tom Duffus, TCF  
Brent West, HPA  
Kaitlyn Bernard, TNC

Emily Ruger, Brunswick  
Steve Walker, MDIFW  
Betsy Cook, TPL  
Tim Glidden, MCHT  
Eliza Townsend, AMC  
Hans Carlson, BHHT  
Jeff Romano, MLTN  
Karin Tilberg, FSM  
Phillip Dube, TPL

Simon Rucker, MATLT  
Tom Farrell, Brunswick  
Warren Whitney, MLTN  
Angela Twitchell, BTLT  
Ed Meadows  
Craig  
Nick

**1. Welcome and Introductions:**

**Commissioner Keliher (Chairman):** called the meeting to order at 9:01 a.m., welcomed everyone.

**Sarah Demers:** We do have all Board members in attendance.

*\*Per diem forms – please return as soon as possible.*

*\*Please, remember to mute your mics when not speaking to reduce background noise.*

**2. New LMF Funding announcement:**

Sarah announced new funds in amount of \$40 million.

### New Funding Announcement

- \$40 million general fund allocation for acquisition of land, interest in land and all associated costs\* (\*tbd)
  - Water Access at least 5% (\$2M)
  - Farmland at least 10% (\$4M)
  - Working Waterfront at least 10% (\$4M)
- No more than \$10M spent in the first year
- Remaining balance + \$10M in following years
- Each expenditure to be matched with an equal amount
- DIFW shall proactively pursue projects that conserve DWA

3

**A. Statutory Changes:**

- Establishes a definition for “Community Conservation project,” replacing local & regional significant projects.
- Funds to be used for statewide significant and community conservation projects (previously a bond requirement).
- Preference given to community conservation projects that benefit multiple towns and regional conservation needs, including public access to recreation, wildlife habitat, open space and farmland (previously a bond requirement)
- Prioritize projects promoting climate change adaptation.
- Hunting, fishing and trapping on LMF funded properties, to the extent allowed by law, except working waterfront and farmland cannot be prohibited (previously a bond requirement).

**B. Next Steps/Goals for 09/24/21 Board Meeting + Site Visit (Full Day):**

**a. Set a funding timeline/cycle that is:**

- Timely - fast action yet sensitive to capacity considerations
- Thorough - incorporates Board & statutory changes to workbooks
- Transparent – maintain program integrity and increase predictability
- Other Board objectives?

**b. Establish committees and work through LMF Process recommendations w/adoption Oct-Jan.**

**c. Take up any items requiring a Board vote followed by**

**d. Site visit to Howard Hill, Augusta & Hallowell.**

**Discussion:** Board members discussed concern for staffing issues and potential projects.

**Board Members:** Suggested volunteers to assist staff – Barbara and Roger would like to volunteer.

**Tim Glidden:** Excited to see the energy from staff and state.

**Questions:** None. Moving forward.

**3. Minutes: May 25, 2021 – Chairman Keliher**

**Chairman Keliher** presented the minutes.

**Motion:** Barbara Trafton motion to accept minutes. Seconded by Roger Berle.

**Sarah:** Pointed out an error brought to her attention by Tammara Roberts regarding date in minutes was for the wrong month, this error has been corrected and will be updated online.

**Chairman Keliher:** Is anyone opposed to accepting the minutes as amended? No opposition.

**Minutes accepted as amended, motion carries.**

#### 4. Bond Balances, -LMF Director:

Status of Funds		
ATTACHMENT A		
As of June 30, 2021		
Authorized	Bonds To Be Sold	Cash on Hand
PL 2009, Ch. 645		
C&R	\$0	\$618,915
Farmland	\$0	\$174,801
Working Waterfront	\$0	\$1,778
<b>Funds Remaining</b>	<b>\$0</b>	<b>\$795,494</b>
PL 2011, Ch. 696		
C&R, Farmland, WWF	\$0	\$2,707,500
<b>Total Funds Remaining</b>		<b>\$3,502,994</b>

**Sarah Demers:** I will note this will look entirely different at our next meeting. There will be new accounts to report on.

#### 5. Project Allocations & Status – LMF Director

Project Allocations		
Attachment B		
Active Projects	Allocations	
C&R	4	\$1,061,468
Water Access	3	\$1,062,500
Working Waterfront	2	<u>\$368,750</u>
<b>TOTAL</b>	<b>9</b>	<b>\$2,492,718</b>

So, you can see we have \$3.5 million remaining and of that we have about \$2.5 million allocated towards active projects. Spread out over four C&R projects, three Water Access projects, and two Working Waterfront projects. You will see on your handout we still have a little over half a million dollars available in water access funds to spend.

**Questions:** None. Moving forward

#### 6. Projects to be Acted On – LMF Staff:

##### A. Sysladobsis Lake Water Access Lakeview, Penobscot County

Applicant: Trust for Public Lands/Downeast Lakes Land Trust

Agency Sponsor: Bureau of Park and Lands

**Presented by** Jason Bulay

Fee acquisition of 2,015 acres by the Downeast Lakes Land Trust. Parcel includes 2.2 miles of frontage on Sysladobsis Lake and 0.6 miles of frontage on Horseshoe Lake. Planned management for the property includes development of hand carry access on Sysladobsis Lake, a new boat launch on horseshoe lake (to be improved and made as accessible as the depth of the lake allows – with trailered access if possible, otherwise to be hand-carry), shoreline trails on both lakes, and a water-access campsite along a multi-day canoe trail on Sysladobsis.

The Appraisal Oversight Committee met on June 29, 2021, to discuss the Sysladobsis and Horseshoe Lakes appraisal. The Committee accepted the appraised value of \$2,800,000 without reservations.

**Chairman Keliher:** Any questions, from the Board before we go to a motion? Seeing none.

**Bob Meyers:** This was a high-quality appraisal. As Jason mentioned, our meeting lasted all of two minutes. We had an outstanding appraisal and a professional review appraisal that verified everything we had agreed upon.

**Motion:** Bob Meyers moved to accept the appraiser's value of \$2,800,000.

This was a committee motion – no second was necessary.

**Chairman Keliher:** Any questions or comments related to the motion? Hearing none. Any opposition? Hearing none.

**With no opposition to the motion, the Motion carries unanimously.**

Chairman Keliher read the announcement of public notice:

- The public notice for the Sysladobsis and Horseshoe Lakes project was advertised in the Kennebec Journal and the Bangor Daily News on July 16, 2021.

**Chairman Keliher:** With no written comments received, are there any member of the public want to make comment on this project? No show of hands; let's move forward.

**Jason Bulay:** There is a letter in your packets from The Trust for Public Lands and Downeast Lakes Land Trust to increase the LMF award from the preliminary amount in light of the appraisal. The slide below highlights the big changes to the budget from the initial proposal to the current request.

The big difference is the appraisal value was over \$700,000 more than they had anticipated. Due primarily to the changes in the real estate market in the past year or year and a half.

## Sysladobsis and Horseshoe Lakes Updated Budget and Funding Request

Item	Proposal Budget	Updated Request
Land Value	\$2,070,000	<b>\$2,800,000</b>
Other Eligible Costs	\$302,000	\$302,000
<b>Total Project Costs</b>	<b>\$2,372,000</b>	<b>\$3,102,000</b>
NAWCA	\$600,000	\$600,000
Community Forest Program	\$600,000	\$600,000
Private Fundraising	\$572,000	\$572,000
Bargain Sale	\$0	<b>\$620,000</b>
<b>Total Match</b>	<b>\$1,772,000</b>	<b>2,392,000</b>
<b>LMF Funding Request</b>	<b>\$600,000</b>	<b>\$710,000</b>
LMF award as % of total project budget	25.3%	22.9%
LMF award as % of land value	29.0%	25.4%

14

The option agreement has a price cap, so the purchase price will be less than appraised value. There will be a \$620,000 bargain sale component. That still leaves a \$110,000 funding gap to get to the new purchase price. The applicants are unable to request more from their federal funders, and they do not feel that there are more opportunities for private fundraising.

The request is to increase the LMF award by \$110,000 to close the funding gap. This would be matched by the bargain sale, so the project overall would have a higher match percentage and smaller LMF contribution as a percentage of total project costs.

**Chairman Keliher:** Thanks Jason, I see Don Kleiner's hand raised.

**Don Kleiner:** Mr. Chairman, would you be interested in a motion?

**Chairman Keliher:** I would if no other board member has any questions. Either BPL or to the applicant. Seeing no hands, Don.

**Motion:** Don Kleiner moved to confirm the allocation of \$710,000 in LMF Water Access funding to support the acquisition of the Sysladobsis and Horseshoe Lakes parcel, subject to standard conditions. Seconded by Roger Berle.

**With no opposition to the motion, the Motion carries unanimously.**

### B. Old Talbot Farm, Arundel, York County

#### Capital Improvement Grant Request

**Presented by** Jason Bulay

At its meeting of May 25, 2021, the LMF Board voted to award \$5,544 for capital improvements on Old Talbot Farm. This followed a discussion in which several Board members advocated for awarding the statutory maximum of \$20,200. One of the reasons this amount was not awarded was uncertainty of the status of matching funds for the 2009 bond, the source of the award. LMF is required to provide 1:1 match for the bond as a whole and it was not immediately known whether matching funds from other projects funded from this bond would offset a higher award for the Old Talbot Farm project. In making the \$5,544 award, the Board also directed LMF staff to review whether the 2009 bond had sufficient matching funds to support a higher award, with the

understanding that the award amount could be reconsidered based on the availability of match. It should be noted, however, that several Board members offered reasons other than the availability of matching funds in support of the \$5,544 award amount.

Following the May 25 meeting, LMF Director Sarah Demers investigated the matching funds secured for the 2009 bond and determined that match requirements **would not** limit the Board's award to Old Talbot Farm. In a subsequent email exchange, several Board members supported increasing the award to the statutory maximum. However, other Board members requested that a discussion and vote be held at the next scheduled LMFB meeting rather than resolving the matter via email, so the matter was placed on the agenda for the meeting of July 27, 2021.

The question now before the LMF Board is whether the amount of the Capital Improvement Grant for Old Talbot Farm should be increased to the statutory maximum of \$20,200, maintained at the current level of \$5,544, or some figure in between these two.

**Motion:** Don Kleiner moved to amend the previous award grant of a Capital Improvement grant to the Old Talbot Farm. Keeping the original amount, which was \$5,544. **Second by:** Catherine Robbins-Halsted.

**Bob Meyers** voiced his agreement with Catherine Robbins-Halsted and Don Kleiner.

**Commissioner Beal:** Voting against this motion for several reasons. One is I think we determined in our discussion at the last meeting that we are sitting on funds from 2009? Please someone correct me if I am wrong. The Governor is very interested in us spending funds for this program for LMF. I think that we need to be more proactive in doing this. The other reason I'm going to vote against this motion is that as I said before this is a really good proposal, it is a good project and a good farm. I think that we are in a position to by statute we can award up to \$20,200 we are in a position to do it. I have heard no compelling reason for why we shouldn't so, Thank you.

**Chairman Keliher:** Thank you Amanda, any other thoughts on this particular motion?

**Jim Norris:** I echo what Commissioner Beal's comment, I have not heard any compelling reason not to approve this and I guess I would clearly vote to object to this motion.

**Commissioner Camuso:** I would like to hear what Bob and Don have to say, I would agree I haven't heard compelling reason to not vote to the higher amount.

**Discussion occurred:** Discussing concerns around the amount of funding and appropriate uses of LMF funds.

**Chairman Keliher:** I think we are going to have a split vote, and seeing no more hands, I think a vote by show of hands would be best way to handle this situation. I will ask for a show of hands for those in favor, those opposed and any abstentions to the present motion.

In favor of motion \$5,544	Opposed to motion \$5,544	Abstaining
Don Kleiner	Commissioner Camuso	
Bob Meyers	Commission Beal	
Catherine Robbins-Halsted	Roger Berle	
	Jim Norris	
	Barbara Trafton	

*Vote 3 to 5 motion fails.* That leaves us with the need for an additional motion or a change to the present motion. Commissioner Camuso you have your hand raised.

**Motion:** Commissioner Camuso moved to amend the previous award of Capital Improvement Grant to Old Talbot Farm, changing the total award amount to \$20,200, seconded by Jim Norris.

**Chairman:** Any questions about the motion made by Commissioner Camuso and seconded by Jim Norris. We have had a thoughtful and thorough discussion on this. Does anyone need to make any additional comment? Seeing no additional hands.

I am going to call for a vote as I just did on the previous motion. I will read for the record the Motion:

\*Amending the previous grant award of the Capital Improvement Grant to Old Talbot Farm, changing the total amount to \$20,200.

Those in favor of the amended motion	Those opposed to the amended motion
Commissioner Camuso	Don Kleiner
Commissioner Beal	Bob Meyers
Roger Berle	Catherine Robbin-Halsted
Jim Norris	
Barbara Trafton	

\*Vote 5 to 3.

**Motion passes as amended with Old Talbot Farm awarded \$20,200 in Farmland funds for Capital Improvements as proposed.**

## **7. Town of Brunswick Water Access Proposal**

Brunswick, Cumberland County – 42.5 Acres to be acquired in fee

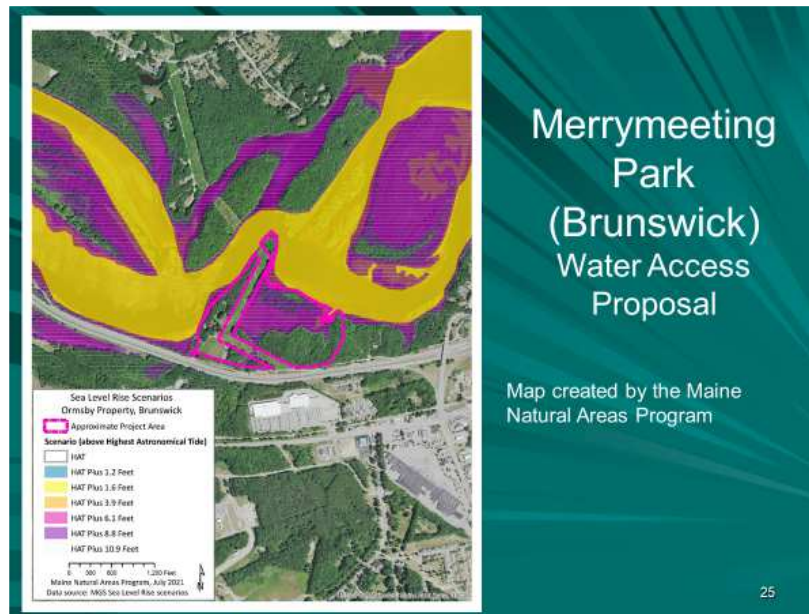
**Applicant:** Town of Brunswick

**Presented:** Laura Graham

Agency Sponsor: DACF, Bureau of Parks and Lands

- 42+/- acres along the Androscoggin River to be acquired in fee by the Town of Brunswick together with
- Town contribution of the Driscoll Islands immediately off-shore (77 +/- acres).
- A true multi-resource parcel with established fishing grounds, sandy beaches for boat landings with historic and archaeological significance AND potential marsh migration site.
- Town requests LMF award of \$252,000 toward an estimated purchase price of \$504,000 – to be confirmed by appraisal.
  - There are some structures that will need to be excluded from the parcel - LMF doesn't pay for the value of structures.





Map was developed by the Maine Natural Areas Program and depicts the properties ability to adapt to sea level rise through marsh migration. You can see in the dark purple is the wetlands moving with sea level rise.

We have Tom Farrell, Steve Walker, and Emily Ruger from the Town of Brunswick with us today to address any questions I can't answer.

**Chairman Keliher:** Thank you Laura. Question from the board, before we go to the applicants?

**Don Kleiner:** Yes, on the tax map there is a long skinny piece that actually appears on your maps as well is that not part of this project?

**Laura Graham:** Yes, that is a utility easement. There is actual provision to cross and recross. It is on the parcel, it's not a separate lot, but it is a utility easement with provisions allowing crossing between the two halves.

**Don Kleiner:** Is it a powerline easement or pipeline easement?

**Laura Graham:** Powerline.

**Bob Meyers:** I don't have a question I have a comment. I'm an occasional user of that river trail and this to me is a tremendous acquisition and by luck it- kind of falls right in where the trail is closest to the highway. I think this will do an awful lot to mitigate what is quite often a pretty unpleasant part of this hike along the waterfront.

**Sarah Demers:** I will attest to that, having done a site visit it's pretty amazing once you reach the water you can completely forget that Route 1 is a short walk away. It is amazing.

**Barbara Trafton:** Could I make a motion pursuant to some additional comments once we have a motion on the table?

**Chairman Keliher:** Absolutely, why don't you go ahead.

**Motion** Barbara Trafton moved to accept the Merrymeeting Park water access proposal as a finalist with a preliminary allocation of \$252,000, subject to LMF conditions. The motion was seconded by Roger Berle.

**Chairman Keliher:** Motion by Barbara Trafton and seconded by Roger Berle. Barbara would you like to make some additional comments?

**Barbara Trafton:** I appreciate all the comments that have been made so far and would like to commend the Town of Brunswick for having long range plans for expanding the water access here.



With the Driscoll Islands, eventually this could give potential access over to Topsham, which would make a wonderful walking and bicycling path. The Town has a long-range view for both taking care of and expanding its stewardship in the town of Brunswick.

Although we have a lot of frontage on both the river and the coast, we have very little public access and I would also say this is unique access because this is really by foot or by pedal and this makes it very special. And I just would put a word in here for great bird watching.

**Chairman Keliher:** Thank you Barbara for your further justification on the motion. I was going to call on Town of Brunswick to make comments, but I am cognizant of our time here. We do need to save additional time for some other discussions. So, I have a feeling we have some good support here. I am going to read the motion into record and call the question and if we get caught up in debate then I may ask the town to come in, however I don't think that is going to happen.

The motion is to accept the Merrymeeting Park Water Access proposal as a finalist for the preliminary allocation of \$252,000, subject to LMF conditions.

Motion by Barbara Trafton and seconded by Roger Berle

Are there any additional Questions, Comments, or Objections on motion? Seeing none.

**Motion Passes unanimously.**

## **8. LMF Workgroup Report & Recommendations Review:**

LMF Workgroup Recommendations  
Appraisal Process & AOC

- 1. Revise AOC Purpose – PD**  
Recommendation proposes substantial changes to existing AOC purpose and role.
- 2. Appraisal Process – AC**  
Recommendation proposes minor changes to existing staff and AOC process, with a new requirement for the applicant.

30

LMF Workgroup Recommendations  
Appraisal Process & AOC

- 3. AOC Evaluation Process – AC**  
Recommendation proposes substantial changes to existing AOC review process.
- 4. Appraisal Standards – AC**  
Recommendation proposes minor changes to existing appraisal standards.

31

LMF Workgroup Recommendations  
Easements

- 1. Distinguish the review process for State-held easements and Cooperating Entity-held easements - PD**  
Recommendation proposes a substantial change to the review process for State-held vs. Cooperating Entity held easements.
- 2. Update and consolidate LMF expectations for forest and agriculture easements in the LMF workbook - WB**  
Recommendation proposes minor change to LMF expectations for forest and agriculture easements in the LMF workbook.

32

LMF Workgroup Recommendations  
Easements

- 3. Consider the concept of two tiers of easements for forest conservation easements. PD**  
Recommendation proposes substantial change to LMF working forest easement protections.  
Tier 1 easements would be those that meet baseline requirements determined by the LMF Board.  
Tier 2 easements would incorporate protection of multiple conservation values and include stronger protections of those values.
- 4. Eliminate the LMF easement template. PD**  
Recommendation proposes a substantial change to LMF easement process.

33



**Chairman Keliher:** Sarah are you thinking that we would come back to these for further discussion or discussion as we go.

**Sarah Demers:** This is just an overview and we will revisit this in September – we will establish subcommittees and the subcommittees will take on review of the recommendations. I am assuming the committees will be composed of Board members and members of the applicant’s community, public members they sort through the recommendations. Those subcommittees will come back at the November Board meeting with recommendations for the board to adopt. I will go through more details, for now this is just an overview.

**Chairman Keliher:** Thank you for clarifying. Jim you have your hand raised.

**Jim Norris:** Is there a reason we can’t initiate the Subcommittee prior to the September meeting?

**Sarah Demers:** Given all that staff has to complete between now and September to get us ready to talk about spending funds and projects closing this fall, I don’t anticipate having a whole lot of time between now and September to devote to this.

**Don Kleiner:** To me a policy discussion alone will take one whole meeting and none of us want another meeting on our calendar but my recommendation is a meeting between September and October to have policy discussion they will also facilitate the subcommittee work, if they generally know where the board is headed. I am wondering if perhaps carving out a time currently not on anyone’s calendar to get the ball moving forward. Also, with an eye to timeliness. I think we need to act swiftly here.

**Chairman Keliher:** Don, what I was suggesting is a subset of the board in between to wrestle with the policy questions here. Are you suggesting a regular Board Meeting?

**Don Kleiner:** I am not opposed to a subcommittee or subset, but I just feel like they need to be a fairly full discussion. I worry that in our board meetings we have enough other actual work to do, it would prevent us from having that conversation.

**Chairman Keliher:** That is why I was thinking a subset or subcommittee would work better seeing everyone calendar August and September. A board meeting might be difficult, but a subcommittee or subset wouldn’t have to worry about a quorum.

**Don Kleiner:** That is an excellent point Pat, I never thought about the quorum. You are exactly right.

Further discussion occurred.

**Sarah Demers:** Suggested bringing a member for the AG's office so that would be only other person that will have to figure schedule around.

**Chairman Keliher:** Would that include our AG who has said she is basically unavailable for the foreseeable future?

**Sarah Demers:** Yes, that would, but it would make sense to include Lauren because she has been engaged with the board on a number of these issues, previously.

**Jim Norris:** Would be interested in volunteering.

**Barbara Trafton:** Volunteered and wanted to know how other could so as well.

**Sarah:** Contact me through email.

**Chairman Keliher:** Sarah, could you send out an email to Board members who might be interested in volunteering for committees?

#### **9. Staff Updates:**

Next AOC Meeting: September 2, 2021

Next Board Meeting: September 24, 2021 all-day meeting

**Sarah Demers:** The one update that I would like to provide is that we have updated the LMF website for members and the public to receive updates and news alerts about the LMF program. Chairman Keliher, I believe you have an announcement.

**Chairman Keliher:** Yes, the AOC is down a member. After receiving input from a couple other members of the board and someone that has volunteered recently, to jump into the role, I would like to ask if Barbara Trafton would you be interested in joining the AOC in a role as a member of the committee?

**Barbara Trafton:** It would be a pleasure to accept, it will cut into my golf and bike riding time a bit, but I would be happy to join.

**Chairman Keliher:** Thank you Barbara, for stepping up and joining the AOC.

**Sarah Demers:** We do anticipate having an AOC meeting on September 2<sup>nd</sup>, staff will be in touch.

**Chairman Keliher:** I want to thank members of the board and members of the public – with a big thank you to our partners, to echo comments at the beginning of this meeting. We can't do this work without you and we appreciate all the work you've done with the legislature with the result, as Commissioner Beal appropriately pointed out, our program received strong bipartisan support. And the fact that we now have a general fund appropriation for this program is, frankly, precedent setting. We want to show that we can wisely spend this money on behalf of the people of Maine and expand our program in the best ways to make more lands open to public use. So, thank you very much for all that you've done as members of the board and members of the public, and with that I would entertain a motion to adjourn.

**Motion:** Roger Berle moved to adjourn, second by Jim Norris.

**Chairman Keliher:** Hearing no objections, the meeting adjourned at 10:39 a.m.